

CALIFORNIA ENVIRONMENTAL QUALITY ACT
“FUNCTIONAL EQUIVALENT” REPORT FOR BASIN PLAN AMENDMENT

(RESOLUTION NO. R3-2002-0093)

The Central Coast Regional Water Quality Control Board (Regional Board) is proposing an amendment to its Water Quality Control Plan - Central Coastal Basin (Basin Plan). The Basin Plan serves as the cornerstone water quality protection policy for the Central Coast. It identifies beneficial uses of surface and ground waters, establishes water quality objectives to protect beneficial uses, and provides an implementation plan to achieve those objectives.

The Basin Planning process has been certified as “functionally equivalent” to the preparation of the Environmental Impact report (EIR) for the purposes of complying with the California Environmental Quality Act (CEQA) (Section 15251, Title 4, California Code of Regulation ((CCR)). Based on the certification, this Basin Plan Amendment Report is used in lieu of an EIR or a Negative Declaration.

Any Regional Board regulatory program certified as functionally equivalent, however, must satisfy the documentation requirements of Section 377 (a), Title 23, CCR. This report satisfies part (a) of that section. It contains the following:

1. A Description of Proposed Activity and Proposed Alternatives,
2. An Environmental Checklist and a Description of the Proposed Activity,
3. An Environmental Evaluation, and
4. A determination with respect to significant Environmental Impacts.

I. DESCRIPTION OF PROPOSED ACTIVITY

This section describes the changes proposed and alternatives to this proposal. The purpose of this amendment is to:

1. Incorporate the State Water Resources Control Board January 2000 Nonpoint Source Program Strategy and Implementation Plan.
2. Emphasize information and management actions contained in the January 2000 Nonpoint Source Program Strategy and Implementation Plan for the protection and restoration of riparian areas.
3. Restructure sections of the Basin Plan to have appropriate nonpoint source information, requirements, and prohibitions in a designated section of the Basin Plan. The section is titled Control of Nonpoint Source Pollutants.

Alternatives to this proposal include:

1. Require a higher level of nonpoint source protection than identified in the Nonpoint Source Program Strategy and Implementation Plan.

This alternative is not recommended because the Nonpoint Source Program Strategy and Implementation Plan as proposed already requires the highest level of nonpoint source protection feasible.

2. Require a less stringent Nonpoint Source Program Strategy and Implementation Plan.

This alternative is not recommended because it does not protect water quality and associated beneficial uses.

3. Take no action.

This alternative is not recommended because it does not protect water quality and associated beneficial uses.

4. Modify amendment

This alternative is recommended if it does not modify the Nonpoint Source Program Strategy and Implementation Plan. This alternative is recommended only if beneficial uses are protected and water quality objectives are attained.

5. Create additional amendments

The Regional Board may consider additional alternatives, but will limit its action to a logical outgrowth of the proposed amendment. Other alternatives will be subject to public notice and comment at the time those changes are proposed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

II. EVALUATION OF ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, But not limited to, trees, rock outcroppings, and historic buildings with a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is not attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. ENVIRONMENTAL EVALUATION (of checklist questions answered Potentially Significant Impact, Less than Significant with Mitigation Incorporation, or Less than Significant Impact)

2a and 2c Less than Significant Impact: The Environmental Evaluation associated with this amendment (Regional Board Resolution R3-2002-0093) has less than significant impacts listed for items 2a and 2c, the conversion of prime farmland to non-agricultural use and the conversion of farmland to non-agricultural use respectively. Prime agriculture areas that would be converted are likely to be land that is only marginally sustaining its agricultural value and/or use. Implementation of nonpoint source management on agricultural land would likely result in net benefit by reducing soil and fertilizer loss into the creek. Additionally, Buffer strips (protection of riparian corridor) that would replace agricultural land could possibly provide flood protection to adjacent agricultural land uses, resulting in a net benefit. If necessary, impacts can be mitigated by assessing existing "loss" of agricultural value or land areas due to erosion and sedimentation, and by designing best management practices to compensate for this loss.

IV. DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

 X I find the proposed project COULD NOT have a significant effect on the environment.

 I find that the proposed project may have a significant adverse impact on the environment. However, there are feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impact. These alternatives and mitigation measures are discussed in the attached written report.

 I find that the proposed project MAY have a significant effect on the environment. There are no feasible alternatives and/or feasible mitigation measures available which would substantially lessen any significant adverse impacts. See the attached written report for a discussion of this determination.

Signature

Date